

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

FEB 1 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

LNV CORPORATION, a Nevada
corporation,

Plaintiff-Appellee,

v.

DENISE SUBRAMANIAM,

Defendant-Appellant.

No. 15-35963

D.C. No. 3:14-cv-01836-MO
District of Oregon,
Portland

ORDER

Before: SILVERMAN, TALLMAN, and N.R. SMITH, Circuit Judges.

The panel has voted to deny the petition for panel rehearing.

The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. *See* Fed. R. App. P. 35.

Subramaniam's petition for panel rehearing and petition for rehearing en banc (Docket Entry No. 86) are denied.

Subramaniam's motion for certification of a constitutional question and motion to stay appellate proceedings (Docket Entry Nos. 83 and 85) are denied.

Subramaniam filed an amended notice of appeal on November 30, 2017, challenging the district court's denial of her motion under Federal Rule of Civil Procedure 60(b) for lack of jurisdiction. The district court did not abuse its

discretion in denying Subramaniam's motion under Rule 60(b) because Subramaniam's filing of her notice of appeal divested the district court of jurisdiction. *See Gould v. Mutual Life Ins. Co.*, 790 F.2d 769, 771-72 (9th Cir. 1986) (the filing of a notice of appeal divests the district court of jurisdiction to consider a motion to vacate the judgment).

No further filings will be entertained in this closed case.